

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

APPLICANTS:	JOON et al.	EXAMINER:	FINDLEY, Christopher G.
SERIAL NO:	10/797,848	ART UNIT:	2621
FILED:	March 10, 2004	DKT:	8836-230 (1B12296-US)
ON:	SECURITY SYSTEM USING MOBILE PHONE		

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

A Notice of Appeal is being filed following a Final Office Action mailed on March 18, 2008, and an Advisory Action mailed on May 29, 2008. This paper is being filed in conjunction with a Pre-Appeal Brief Request for Review to alert the Examiner to issues that may be resolvable by review.

The Examiner has rejected all claims of the above-referenced application in the Final Office Action dated March 18, 2008, and maintained said rejections in the Advisory Action dated May 29, 2008. Further, the Examiner has declined to enter Applicants' amendment filed on May 9, 2008. Thus, Claims 1-20 are currently pending in this application. Claims 1, 8 and 13 are independent. The Examiner's

reconsideration of the rejections is respectfully requested, particularly in view of the following remarks.

In accordance with the Final Office Action, Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0006163 of Hibi et al. in view of U.S. Patent Application Publication No. 2006/0115111 of Malone et al. Applicants traverse.

Publication No. 2006/0115111 of Malone et al., published on June 1, 2006, is a publication under 35 USC § 122(b) of Application No. 11/325,373, which was filed on January 4, 2006. Thus, the filing date of Malone is after Applicants' U.S. filing date of March 10, 2004.


Although Malone et al. may have a related parent application, namely U.S. Patent No. 6,996,251 to Malone et al., the Examiner does not rely on said parent. In addition, it is noted that Applicants' foreign priority date of March 28, 2003 was prior to the September 29, 2003 filing date of said parent. Applicants' have made no determination whether said parent would support the same rejections, and/or whether it was timely published under 35 USC § 122(b). Thus, Applicants reserve the right to provide a certified English translation of their foreign priority document to perfect their priority to March 28, 2003, should the need arise, such as if the Examiner issues a new Office Action relying on the '251.

While the '251, which is listed as a parent of the publication relied upon by the Examiner, may in turn claim priority to U.S. Provisional Application No. 60/414,449, filed on September 30, 2002, a copy of said Provisional has not been provided to Applicants

and was not available on PAIR. Thus, said Provisional has not been checked to determine whether it might support the Examiner's rejections, which are currently based on Hibi et al. in view of Publication No. 2006/0115111 of Malone et al. If the Examiner wishes to rely on such Provisional for its filing date, Applicants must be given a timely opportunity to check it for content.

35 U.S.C. § 102 reads, in pertinent part: "A person shall be entitled to a patent unless . . . (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent . . ." (emphasis added). Therefore, Publication No. 2006/0115111 of Malone et al. is unavailable as a reference against Applicants' prior-filed Application. Accordingly, it is respectfully requested that the Examiner withdraw the rejections based on Publication No. 2006/0115111, and issue a new non-final Office Action or Notice of Allowance.

Respectfully submitted,

by:   
Eric M. Parham  
Registration No. 45,747  
Attorney for Applicant

Correspondence Address:

F. CHAU & ASSOCIATES, LLC  
130 Woodbury Road  
Woodbury, New York 11797  
Telephone: (516) 692-8888  
Facsimile: (516) 692-8889